

REMARKS

Claims 14-26 and 36-41 are currently pending in the application, of which claims 14, 36, and 41 are independent claims. Applicant appreciates the indication that claims 14-26 and 41 are allowed.

Entry of the Amendments and Remarks is respectfully requested because entry of Amendment places the present application in condition for allowance, or in the alternative, better form for appeal. No new matters are believed to be added by these Amendments. In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §103

Claims 36-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,148,301 issued to Sawatsubishi, *et al.* ("*Sawatsubishi*") in view of no other art. Applicant respectfully traverses this rejection for at least the following reasons.

At the outset, Applicant thanks the Examiner for observing that *Sawatsubishi* is insufficient as an anticipatory reference because it does not contain every element of the claims. In particular, the Examiner has noted that *Sawatsubishi* at least does not teach the claimed black matrix.

As a preliminary matter, there is no reference cited to remedy the deficiencies of *Sawatsubishi*. Instead, the Examiner relies on the Examiner's own notions of what one of ordinary skill in the art would think ("it is common and known in the art" p. 3, l. 15 (without supporting citation)). Indeed, the Examiner does not even assert that there is any teaching,

suggestion, or motivation *in any particular piece of prior art* to suggest the proposed modification which the Examiner alleges would read the claims. Instead, the Examiner relies on the unsupported assertion that to modify the structure of *Sawatsubishi* would have been obvious because one would also expect this to prevent light leakage and thus improve display quality.

This rationale, however, is borrowed from Applicant's disclosure, not revealed by the cited reference. This is exactly the kind of hindsight reconstruction that is prohibited. *See, In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Additionally, Applicant respectfully suggests that the Examiner has overlooked that the cited reference actually teaches away from the addition of further elements. In particular, *Sawatsubishi* states that its object is "to provide a small sized liquid crystal display device." (Col. 2, ll. 34-35). Additionally, *Sawatsubishi* states that the result of the described process for constructing a device is that "the liquid crystal display device can be miniaturized." (Col. 3, ll. 9-10). Thus, although *Sawatsubishi* doesn't absolutely prohibit the introduction of additional elements, its emphasis on miniaturization and space reduction teach away from the addition of further elements. Consequently, assuming *arguendum*, that black matrices were common knowledge at the time of the invention, one of ordinary skill in the art would not have been motivated to combine that general knowledge with the whole teachings of *Sawatsubishi*. Thus, there is absolutely no teaching, motivation, or suggestion in the art to make the claimed invention.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claims 36-40. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant

respectfully submits that independent claim 36, and all the claims that depend from it are allowable.


CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,


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